

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PATRICIA HOENINGS,

Plaintiff,

-against-

ORDER
CV 03-6212 (TCP)(ARL)

WASHINGTON MUTUAL, INC. d/b/a
WASHINGTON MUTUAL FINANCIAL
SERVICES,

Defendant.

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LINDSAY, Magistrate Judge:

Before the court is the plaintiff's letter application dated December 13, 2005, seeking to compel the defendant to provide more complete responses to the plaintiff's request for documents and the defendant's letter application dated December 16, 2005, seeking to compel the plaintiff to provide supplemental responses to its discovery requests. Both applications are denied as untimely.

Although the plaintiff was well aware that discovery concluded on December 16, 2005, she did not provide the defendant with adequate time to oppose the motion prior to the discovery deadline. Motions to resolve discovery disputes must be made sufficiently in advance of the deadline to permit time for the submission of opposing papers and for the court to rule on the application prior to the deadline. The plaintiff has also failed to explain the delay in making the application. According to the plaintiff, she received a fourth supplemental response on November 18, 2005, but waited for approximately four week to file the application. Similarly, the defendant received supplemental responses from the plaintiff on November 30, 2005, but waited until December 16th to make its request to the court. There being no good reason for either delay, both applications are denied.

Also before the court is the defendant's letter advising the court that one of its managers has retained independent counsel, who has requested that the parties postpone his deposition until the week of January 9, 2006. The plaintiff has consented to the request. Accordingly, the request to take Mr. Heine's deposition the week of January 9, 2006 is granted.

Dated: Central Islip, New York
December 21, 2005

SO ORDERED:

_____/s/_____
ARLENE R. LINDSAY
United States Magistrate Judge